## SP 14134.C PR

# Declaration, Power Of Attorney and Petition

Page 1 of

			rage rors
WE (I) the undersigned inventor	(s), hereby declare(s) that	:	
My residence, post office addres	s and citizenship are as sta	ted below next to my name,	
We (I) believe that we are (I and or which a patent is sought on the invite AREA MULTI-MODE INT	nvention entitled	oint (sole) inventor(s) of the subjective subjections of the subjection of the subjection of the subjective subjection of the subjection o	ct matter which is claimed and
		•	
he specification of which			
is attached	d hereto.		
was filed		•	
as Appli	cation Serial No.		
and ame			
was filed	as PCT international ap	plication	
Number	PCT/FR98/01954		
on Septe	mber 11, 1998		
and was	amended under PCT Ar	ticle 19	•
on Septe	mber 28, 1999		
We (I) hereby state that we (I) he claims, as amended by any amer		tand the contents of the above-ide	ntified specification, including
We (I) acknowledge the duty to n Section 1.56 of Title 37 Code of		n to be material to the patentability	y of this application as defined
We (I) hereby claim foreign pripatent or inventor's certificate, or § han the United States, listed belownventor's certificate, or PCT Interclaimed. Prior Foreign Application	365 (a) of any PCT Inter and have also identified b national application having	pelow, by checking the box, any fo	ated at least one country other oreign application for patent or
	G .	5 / 47	Priority
Application No.	Country	Day/month/Year	Claimed
97 11391	FRANCE	12 SEPTEMBER 1997	<ul> <li>☐ YES</li> <li>☐ NO</li> <li>☐ YES</li> <li>☐ NO</li> <li>☐ YES</li> <li>☐ NO</li> </ul>

We (I) hereby claim the benefit und application(s) listed below.	ler Title 35, United States	Code, § 119 (e) of any Ui	nited States provisional	
(Applic	ation Number)	(Filing l	Date)	
(Applic	ation Number)	(Filing	Date)	
We (I) hereby claim the benefit International application designating this application is not disclosed in the paragraph of 35 U.S.C. § 112, I acknow CFR § 1.56 which became available that of this application.	ne United States, listed be prior United States or PC wledge the duty to disclose	low and, insofar as the su T International application information which is ma	bject matter of each of the claim on in the manner provided by the terial to patentability as defined in	is o firs n 31
Application Serial No.	Filing	Date .	Status (pending, patented, abandoned)	
16,885; Louis V. Granger, Registrato Dickinson Jr, Registration Number Registration Number 22,841; Joseph 26,232; Jeffrey J. Sopko, Registration Registration Number 32,923; David 35,878; Paul R. Katterle, Registration Bandy, Registration Number 35,788; application and to transact all busing correspondence regarding this application of the Address is: 526 Superior Aven We (I) declare that all statements information and belief are believed to false statements and the like so made a United States Code and that such willing thereon.	18,622; Thomas P. Sch J. Corso, Registration Nu Number 27,676; John P. E. Spaw, Registration Nu Number 36,563; Richardour (my) attorneys, with fives in the Patent Officetion be sent to the firm of the east Suite 1200 Clevela made herein of our (my) be true; and further that the punishable by fine or in	niller, Registration Numumber 25,845; Howard Commune 34,732; Michael Vold M. Mescher, Registration Number 34,732; Michael Vold M. Mescher, Registration connected therewith; and PEARNE, GORDON, Mond, Ohio 44114-1484.  Own knowledge are true these statements were mach prisonment, or both, under the statement of t	ber 20,677; David B. Deioma, S. Shimola, Registration Number Sumber 34,226; James M. Moore, W. Garvey, Registration Number on Number 38,242 and Mark E. and revocation, to prosecute this d we (I) hereby request that all cCOY & GRANGER whose Post and that all statements made on the with the knowledge that willfuller Section 1001 of Title 18 of the	, r r
DEVAUX Fabrice  NAME OF FIRST SOLE INVE  Signature of Inventor  21 MARCH 2000  Date	MA	Residence: 17 10 Hormorye,  Citizen of: F(2)  Post Office Address	e L. Anland, 9220 France  Mce-  The same as residence	

VERGNOL Eric	Residence: 4 rue du Jour
NAME OF SECOND INVENTOR	Residence: 4 rue du Jour 92160 ANTONY, France
Signature of Inventor	Citizen of: France
14/03/200 Date	Post Office Address: The same as residence
	Residence :
NAME OF THIRD INVENTOR	Residence .
·	Citizen of :
Signature of Inventor	Post Office Address: The same as residence
Date	
	Residence :
NAME OF FOURTH INVENTOR	
	Citizen of:
Signature of Inventor	Post Office Address: The same as residence
Date .	
	Residence :
NAME OF FIFTH INVENTOR	
	Citizen of:
Signature of Inventor	Post Office Address: The same as residence
Date	



OCTOBER 30, 2003

**PTAS** 

U.P. PETER ENG WILSON SONSINI GOODRICH & ROSATI 650 PAGE MILL ROAD FH 1-2 PALO ALTO, CA 94304-1050 UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231



\*700050311A\*

UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/28/2003

REEL/FRAME: 014086/0035

NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ALCATEL

DOC DATE: 07/31/2003

ASSIGNEE:

AVANEX CORPORATION 40919 ENCYCLOPEDIA CIRCLE FREMONT, CALIFORNIA 94538

SERIAL NUMBER: 09508340

PATENT NUMBER:

FILING DATE: 05/25/2000

ISSUE DATE:

THERESA FREDERICK, EXAMINER ASSIGNMENT DIVISION OFFICE OF PUBLIC RECORDS

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FORM PTO-1595	RECORDATION FO	RM COVER SHEET	U.S. DEPARTMENT OF COMMERCE
1-31-92	PATENT	IS ONLY	Patent and Trademark Office
To the Commissioner of I	Patents and Trademarks: Ple	ase record the attached original do	cuments or copy thereof.
1. Name of conveying party(ics)		2. Name and address of receiving	ng party(ies);
Alcatel		Name: Avanex Corporati	on
54 rue La Boétie, 75008 Paris, France		Street Address: 40919 Ex	rcyclopedia Circle
Additional name(s) of convoying p	party(ies) attached?	City/State/Zip: Fremont,	California 94538
☐ Yea 🗵	No .	Additional name(s) & address(cs	) attached?
3. Nature of conveyance:		.,	No No
<ul> <li>✓ Assignment</li> <li>✓ Security Agreement</li> <li>✓ Other</li> </ul>	☐ Merger ☐ Change of Name		<u> </u>
Execution Date: July 31, 2003			
4. Application number(s) or pate	ent number(s):		
If this document is being filed tog	ether with a new application	, the execution date of the applicat	ion is:
A. Patent Application No.(s	): 09/508,340	B. Patent No.(s):	
	Additional number	rs attached? Yes No	
5. Name and address of party to concerning document should		Total number of applications involved: [1]	and patents
Name: U.P. Peter Eng Internal Address: FH 1-2 Wilson Sonsini Goodrich & 650 Page Mill Road	& Rosati	7. Total fee (37 CFR 3.41)  Enclosed  Authorized to be charged	to deposit account
Palo Alto, CA 94304-1050		Deposit account number: 2     (Attorney Bocket No.: 20397.	
	DO NOT U	SE THIS SPACE	
9. Statement and signature. To the best of my knowledge the original document.	and belief, the foregoing in	formation is true and correct and a	ny attached copy is a true copy of
IID Bata Tan Ban No	20 888	Um Pay Pater En	7 October 28, 2003
U.P. Peter Eng, Reg. No Name of Person Sig		Signature	Date Date
		mber of pages including cover she	et, attachments, and document: [8]

Transmission Result Report (MemoryTX) (Oct.28, 2003 3:12PM) \* \* \* WILSON SONSINI

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E.2) Busy F.4) No facsimile connection

FORM PTO-1595		ORM COVER SHEET  U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office
1-31-92		TS ONLY
T. d. Commissioner of	Patents and Trademarks: Pl	lease record the attached original documents or copy thereof.
a marticles		2. Name and address of receiving party(ies):
		Name: Avanex Corporation
Alcatel 54 rue La Bostie,		Street Address: 40919 Encyclopedia Circle
75008 Paris, France Additional name(s) of conveying	party(ies) attached?	City/State/Zip: Fremont, California 94538
Yes_		Additional name(s) & address(es) attached?
3. Nature of conveyance:	3	☐ Yes ⊠ No
Assignment	☐ Merger	
Security Agreement	Change of Name	
Execution Date: July 31, 2003		
4. Application number(s) or pa	wether with a new application	on, the execution date of the application is:
A. Patent Application No.	(s): 09/508,340	B. Patcht 110.(0).
	Additional numb	pers attached? Yes No
5. Name and address of party concerning document should	to whom correspondence	6. Total number of applications and patents involved: [1]
Name: U.P. Peter Eng Internal Address: FH 1-	2	7. Total fee (37 CFR 3.41)
Wilson Sonsini Goodrick	2 Rosan	Authorized to be charged to deposit account
Palo Alto, CA 94304-105	<b>50</b>	8. Deposit account number: 23-2415 (Attorney Docket No.: 20397.700)
	DO NOT	USE THIS SPACE
9. Statement and signature. To the best of my knowled, the original document.	ge and belief, the foregoing t	information is true and correct and any attached copy is a true copy of
		Um Pay Peter Eng October 28, 2003
U.P. Peter Eng. Reg. Name of Person	No. 39,666	Signature Date
Name of Person	Total	number of pages including cover sheet, attachments, and document: [

FORM PTO-1595

# RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE

1-31-92

# **PATENTS ONLY**

Patent and Trademark Office

	To the Commissioner of Patents and Trademarks: Ple	ease record the attached original documents or copy thereof.
1.	Name of conveying party(ies):	2. Name and address of receiving party(ies):
	Alcatel 54 rue La Boétie, 75008 Paris, France	Name: Avanex Corporation Street Address: 40919 Encyclopedia Circle
Ado	ditional name(s) of conveying party(ies) attached?	City/State/Zip: Fremont, California 94538
	☐ Yes ⊠ No	Additional name(s) & address(es) attached?
3.	Nature of conveyance:  Assignment	☐ Yes ⊠ No
Exe	ecution Date: <u>July 31, 2003</u>	
4.	Application number(s) or patent number(s):	
If th	his document is being filed together with a new application	, the execution date of the application is:
	A. Patent Application No.(s): 09/508,340	B. Patent No.(s):
	Additional numbe	rs attached?  Yes No
5.	Name and address of party to whom correspondence concerning document should be mailed:	6. Total number of applications and patents involved: [1]
	Name: U.P. Peter Eng Internal Address: FH 1-2 Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, CA 94304-1050	7. Total fee (37 CFR 3.41)\$40.00  ☐ Enclosed ☐ Authorized to be charged to deposit account
	1 alo Alto, CA 94304-1030	8. Deposit account number: 23-2415 (Attorney Docket No.: 20397.700)
	DO NOT U	SE THIS SPACE
9.	Statement and signature.  To the best of my knowledge and belief, the foregoing information the original document.	ormation is true and correct and any attached copy is a true copy of
		Um Pay Peter Ery
	U.P. Peter Eng, Reg. No. 39,666	/ October 28, 2003
	Name of Person Signing	Signature Date
	Total nur	mber of pages including cover sheet, attachments, and document: [8]

### PATENT ASSIGNMENT

This Patent Assignment ("Assignment") is made as of July 31, 2003 by Alcatel, a French Company organized and existing under the laws of France, having its registered office 54 rue La Boétie, 75008 Paris, France ("Assignor"), to Avanex Corporation, a Delaware corporation having a place of business at 40919 Encyclopedia Circle, Fremont, California 94538, United States of America ("Assignee").

### RECITALS

- A. Assignor, Assignee and Corning Incorporated have entered into a Share Acquisition and Asset Purchase Agreement dated as of May 12, 2003 (the "Purchase Agreement").
- B. Assignor owns the patent(s) issued by the United States Patent and Trademark Office and certain foreign patent and trademark offices, as well as patent applications filed with the United States Patent and Trademark Office and certain foreign patent and trademark offices, as set forth on Schedule A hereto (the "Patents").
- C. Pursuant to the Purchase Agreement, Assignor desires to assign to Assignee all of Assignor's right, title and interest in and to the Patents.

### **AGREEMENT**

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants and agreements contained in the Purchase Agreement and the covenants and agreements in this Assignment and to induce Assignee to consummate the transactions contemplated by the Purchase Agreement, Assignor agrees as follows:

Assignor does hereby irrevocably sell, transfer, convey, assign and deliver to 1. Assignee all of Assignor's right, title and interest in and to the Patents (and regarding Patents that are patent applications, any patents that may issue therefrom), including any foreign counterparts, patents or patent applications to which the Patents claim priority, divisionals, continuations in whole or in part, reexaminations, reissues or extensions thereof, and the right to claim priority to any of the preceding, the same to be held by Assignee for Assignee's own use and enjoyment, and for the use and enjoyment of Assignee's successors, assigns and other legal representatives, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment and sale had not been made; together with all claims for damages by reason of past infringements of the Patents and the right to sue for and collect such damages, as permitted under the applicable laws for any jurisdiction or country in which such claims may be asserted (provided, however, that the foregoing does not require Assignor to pay to Assignee any revenues or damages previously recovered or to be recovered pursuant to contracts previously concluded by Assignor, nor does it amend any other written agreements between Assignor and Assignee with respect thereto), for the use and benefit of Assignee and its successors, assigns and other legal representatives.

2. Assignor hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, and any officer of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of intellectual property protection or applications as aforesaid, to issue the same to Assignee and its successors, assigns and other legal representatives in accordance with the terms of this instrument.

IN WITNESS WHEREOF, Assignor has executed this Assignment.

**ASSIGNOR** 

Rv.

Signature

Printed Name: Ulrich Knecht

Title: Director Intellectual Property

# Schedule A

### Certificate of Signature

The signature executed before me above by

Mr. Ulrich K n e c h t , born March 02 th, 1957, Lorenzstr. 10, 70435 Stuttgart,

-identified by ID-Card of the Federal Republic
 of Germany-

is herewith duly certified.

Stuttgart, July 25<sup>th</sup>, 2003

UR-Nr. 406 / 2003

Hans Ulrich Kurz Notary Public at Stuttgart

# Schedule A

• •

# REDACTED

ALCATEL patents to be assigned

Patent card title	country	protection	date of	status	filing date	filling No.	publication	publication	grant date	grant
		Ž	status				-	3	)	,

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1.012.644	1.012.644	2.768.524	1,012,644	
5/14/03	5/14/03	10/22/88	5/14/03	
71,012,844	1,012,844	2,766,524	1,012,644	
628/00	6/28/00	3/19/99	6/28/00	
98 943 973.2	98 943 973.2	97 11 391	96 943 973.2	
9/11/98	9/11/98	9/12/97	9/11/98	
GRT	GRT	GRT	GRT	
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10421				

May 9th, 2003

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# ALCATEL petents to be assigned

US PCT 6/11/58 FLG 9/11/88 09/508 340	country	untry protection	date of		status filing date	filing No.	publication	publication	n publication grant date	grant No.
8/11/98 FLG		type	status				date	No.		
	SY	Ş		FLG	8/11/8	09/508 340				



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

JUNE 29, 2000

MICHAEL W. GARVEY 526 SUPERIOR AVENUE, EAST SUITE 12000 CLEVELAND, OH 44114 PTAS



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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/10/2000

REEL/FRAME: 010741/0005

NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DEVAUX, FABRICE

DOC DATE: 03/21/2000

ASSIGNOR:

VERGNOL, ERIC

DOC DATE: 03/14/2000

ASSIGNEE:

FRANCE TELECOM 6, PLACE D'ALLERAY 75015 PARIS, FRANCE

SERIAL NUMBER: 09508340

PATENT NUMBER:

FILING DATE: 05/25/2000

ISSUE DATE:

DIANE RUSSELE, PARALEGAL ASSIGNMENT DIVISION OFFICE OF PUBLIC RECORDS

Signature |
Total number of pages including cover sheet, attachments, and document: 3

April 5, 2000

Date

Michael W. Garvey

Name of Person Signing

## Assignment Of Application

Page 1 of 2

WHEREAS, I (WE) 1/ DEVAUX Fabrice: 17, rue L. Roland, 92120 MONTROUGE, FRANCE and 2/ VERGNOL Eric: 4, rue du Jour, 92160 ANTONY, FRANCE

respectively, have invented certain new and useful improvements in : WIDE AREA MULTI-MODE INTERFEROMETRIC AMPLIFIER WITH RECOMBINER

for which an application for Letters Patent was executed on (Application No. 09/508,340 , filed March 10, 2000 ), and

WHEREAS, FRANCE TELECOM

(hereinafter referred to as "assignee") having a place of business at : 6, Place d'Alleray

75015 PARIS FRANCE

is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters patent that may be granted therefore in the United States and its territorial possessions and in any and all foreign countries;

NOW, THEREFORE, in consideration of the sum of FIVE DOLLARS (\$5.00), the receipt whereof is hereby acknowledge, and for other good and valuable consideration, I (WE), by these presents do sell, assign and transfer unto said ASSIGNEE, the full and exclusive right to the said invention in the United States and its territorial possessions and in all foreign countries and the entire right, title and interest in and to any and all Letters patent which may be granted thereof in the United States and its territorial possessions and in any and all foreign countries and in and to any and all divisions, reissues, continuations, substitutions and renewals thereof.

I (WE) hereby authorise and request the Patent Office Officials in the United States and its territorial possessions and any all foreign countries to issue any and all of said Letters Patent, when granted, to said ASSIGNEE as the assignee of my (our) entire right, title and interest in and to the same, for the sole use and behoof of said ASSIGNEE, its (his) successors and assigns, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me (us) had this Assignment and sale not been made.

Further, I (WE) agree that I (WE) will communicate to said ASSIGNEE or its (his) representatives any facts known to me (us) respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitute, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letter Patent to be issue to said ASSIGNEE, make all rightful oaths, and, generally do everything possible to aid said ASSIGNEE, its (his) successors and assigns, to obtain and enforce proper protection for said invention in the United States and its territorial possessions and in any and all foreign countries.

The undersigned hereby grant(s) the firm of PEARNE, GORDON, McCOY & GRANGER of 526 Superior Avenue East Suite 1200 Cleveland, Ohio 44114-1484 the power to insert on this assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States patent and trademark office for recordation of this document.

Date : 21 M	ARCH 2000	DEVAUX Fabrice (Signature of Inventor)
Date : 14 Ma	arch 2000	VERGNOL Eric  (Signature of Inventor)
Date :		(Signature of Inventor)
Date :		(Signature of Inventor)
Date :		(Signature of Inventor)
Date :		(Signature of Inventor)
Date :		(Signature of Inventor)
Date :		(Signature of Inventor)

PEARNE, GORDON, McCOY & GRANGER

526 Superior Avenue East Suite 1200 Cleveland, Ohio 44114-1484